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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,758	08/19/2003	Minoru Hashimoto	SON-1748/CON	3729

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EXAMINER

PATEL, GAUTAM

ART UNIT PAPER NUMBER

2655

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/642,758

Applicant(s)

HASHIMOTO ET AL.

Examiner

Gautam R. Patel

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8-19-03</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment:

1. This is in response to amendment filed on 6-7-05.
2. Claims 8-19 remain for examination.
3. Applicant's arguments regarding rejection of claims 8-19 under 35 U.S.C. § 112 first and second paragraph have been fully considered and rejection of claims 8-19 under 35 U.S.C. 112 first and second paragraph has been **withdrawn**.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Uchizaki US. patent 6,646,975 (hereafter Uchizaki) in view of Sakurai JPO 08055357 A (hereafter Sakurai).

As to claim 8, Uchizaki discloses the invention as claimed [see Figs. 1-3], including first and second light sources a photodetector and an astigmatism correcting means, comprising:

first [fig. 3B unit 31] and second [fig. 3B unit 31] light sources to emit laser beams of different wavelengths [650 and 780], respectively [col. 8, lines 38-47];

a photodetector [fig. 3B unit 35] to detect the return light from the optical recording medium [col. 9, lines 8-23]; and

an optical system [fig. 1] that converge the laser beam emitted from a selected one of the first and second light sources onto the optical recording [fig. 1, units 18-19] medium and guides a return light from the optical recording medium to the photodetector [col. 8, line 38 to col. 9, line 34];

wherein the first and second light sources are disposed so that the laser beam emitted from the first light source and the laser beam emitted from the second light source are deformed in the same direction [col. 8, line 38 to col. 9, line 34].

Uchizaki discloses all of the above elements, including two laser light sources with different wavelengths and a photodetector, and that these laser diodes and photodetectors are provided integrally in one. Uchizaki silent about the type of astigmatic correcting means being used in his system.

However, one of ordinary skill in the art at the time of invention would have realized that since two different wavelength laser are involved which traveling the same optical path in the system of Uchizaki some type of astigmatism correcting means is inherently required to correct astigmatism created by these two different wavelength light sources.

Also more importantly Sakurai clearly discloses:

an astigmatic correcting means for correcting astigmatism associated with laser beams emitted from both first and second light sources [ABSTRACT and fig. 3].

Both Uchizaki and Sakurai are interested in providing better optical assembly in single package both discloses two lasers with different wavelengths and photodetectors among other related components.

One of ordinary skill in the art at the time of invention would have realized that a single platform for the components would be a desired feature to have in the system of Shimano.

Therefore, it would have been obvious to have provided a flat plate for astigmatism correction in the system of Uchizaki as taught by Sakurai because one would be motivated to provide a single housing to be used for several optical components and miniaturize the device, to make device thinner and light thus reduce cost of the system and increase serviceability of the system [Purpose, ABSTRACT; Sakurai].

5. The aforementioned claim 9, recites the following elements, inter alia, disclosed in Sakurai:

the astigmatism correcting means is a transparent parallel flat plate [fig. 3, unit 37 [ABSTRACT]].

6. The aforementioned claim 10, recites the following elements, inter alia, disclosed in Uchizaki:

the first and second light sources are nearly equal in astigmatism to each other [col. 8, line 38 to col. 9, line 34].

NOTE: placement next to each other of two diodes makes astigmatism nearly equal.

7. The aforementioned claims 11 & 16, recites the following elements, inter alia, disclosed in Uchizaki:

the first and second light sources and photodetectors are provided integrally in one package [col. 8, lines 56-63; fig. 2].

8. The aforementioned claim 12, recites the following elements, inter alia, disclosed in Uchizaki:

the laser beams from the first and second light sources are different in wavelength [650 and 780] from each other [col. 8, lines 38-47].

9. As to claim 13 it is a claim corresponding to claim 8 and therefore it is rejected for the similar reason set forth in rejection of claim 8 above.

10. As to claims 14-15 and 19, they are claims corresponding to claims 9-10 and 12 respectively and they are therefore rejected for the same reasons set forth in the rejection of claims 9-11 and 12 respectively, supra.

11. The aforementioned claim 17, recites the following elements, inter alia, disclosed in Uchizaki:

the photodetector has a light-incident surface divided in a first direction corresponding to the scanning direction of the laser beam and in a second direction perpendicular to the first direction and thus provides results of light detection from these light-incident surface divisions [col. 8, line 38 to col. 9, line 34].

12. The aforementioned claim 18, recites the following elements, inter alia, disclosed in Shimano:

the first and second light sources are deposited so that a deflection plane of the optical disc drive is parallel or perpendicular to the scanning direction of the laser beams emitted out [of] the surface of the optical disc [col. 8, line 38 to col. 9, line 34].

13. Applicant's arguments with respect to claims 8-19 have been considered but are moot in view of the new grounds of rejection.

14. Applicant's amendment necessitated the new grounds of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is 571-272-7625. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

Art Unit: 2655

The appropriate fax number for the organization (Group 2650) where this application or proceeding is assigned is 703-872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Wayne Young can be reached on (571) 272-7582.

Any inquiry of a general nature or relating to the status of this application should be directed to the Electronic Business Center whose telephone number is 866-217-9197 or the USPTO contact Center telephone number is (800) PTO-9199.

Gautam R. Patel
Primary Examiner
Group Art Unit 2655

August 8, 2005



**GAUTAM R. PATEL
PRIMARY EXAMINER**